



CrI.O.P.(MD) No.15948 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.15948 of 2022

and

CrI.M.P.(MD) No.10528 of 2022

Dineshpandi

...Petitioner

vs

**1.The Second Class Administrative Magistrate and
Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.**

**2.The Sub Inspector of Police
Emaneswaram Police Station,
Ramanathapuram District.**

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records in M.C.No.292/2022 dated 18.08.2022
pending on the file of the 1st respondent and quash the same.**

For Petitioner : Mr.B.Ramamoorthi

For Respondents : Mr.R.Sivakumar

Government Advocate (CrI.side)



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ORDER

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This Criminal Original Petition has been filed to quash the order passed in M.C.No.292/2022 dated 18.08.2022 on the file of the first Respondent.

2.The learned Counsel for the Petitioner submits that the Petitioner's neighbour is employed in the Fire Service. There had been dispute between the Petitioner and his neighbour. Therefore, based on the complaint of the Petitioner's neighbour, the Executive Magistrate, the Tahsildar, Paramakudi Taluk, who is the first Respondent herein, had issued summons to the Petitioner herein.

3.It is the submission of the learned Counsel for the Petitioner that the Petitioner has not indulged in any breach of peace or disturbing the public tranquility to any one.

4.It is the further submission of the learned Counsel for the Petitioner that mandatory provision under Section 111 Cr.P.C. has not been followed



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by the first Respondent herein. Therefore, he seeks to quash the proceedings initiated against the Petitioner.

5.The learned Government Advocate (Crl.side) for the Respondents vehemently objects stating that the case, which was registered under Section 506(ii) IPC, is pending against the Petitioner herein. It is the further submission of the learned Government Advocate (Crl.side) that in the intervening period, Gurupooja is to be celebrated at Ramanathapuram District. Therefore, the entire police force is involved in the law and order duties, considering the tension prevailing there.

6.By way of rejoinder, the learned Counsel for the Petitioner submits that the subject matter of vehement objection of the learned learned Government Advocate (Crl.side) had been completed. Therefore, there is no apprehension on the same to demand such behavior from the Petitioner.

7.Considering the fact that the sum and substance have not been mentioned in the summon issued by the first Respondent, Executive Magistrate, this Criminal Original Petition is allowed. The summon issued



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SATHI KUMAR SUKUMARA KURUP, J.

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by the first Respondent, Executive Magistrate is quashed as there is no sum and substance. Consequently, connected miscellaneous petition is closed.

Internet: Yes./No

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Index: Yes/No

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To

- 1.The Second Class Administrative Magistrate and
Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
- 2.The Sub Inspector of Police
Emaneswaram Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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